

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

LEON E. ANDREWS, JR.,

Plaintiff,

V.

NATALIE BOKOTA, et al.,

Defendants.

NO. 2:23CV239-PPS/JPK

## OPINION AND ORDER

On July 21, 2023, I granted pro se plaintiff Leon E. Andrews, Jr., leave to file this case without prepaying the ordinary filing fee, based on his inability to pay. [DE 3.] Andrews' complaint was filed under 42 U.S.C. §1983 against a number of Lake County, Indiana judicial officers, corrections officers and police officers alleging that his civil rights were violated by their conduct in connection with Andrews' arrest on August 24, 2022 and its aftermath. [DE 1.] After review of Andrews' original and amended complaints pursuant to 28 U.S.C. §1915(e)(2), the case has been permitted to proceed against defendant Joshua Brooks. [DE 3, 9.]

The Clerk has attempted to obtain a waiver of service of process from Brooks, without success. [DE 4, 5.] Then the United States Marshal attempted service of a summons on Brooks at his former place of employment. [DE 6, 7.] But no appearance has been made by or on behalf of defendant Brooks, and Judge Martin concluded that effective service could not be presumed at that address. [DE 10.] In that order, Judge

Martin set a March 1, 2024 deadline for Andrews to file a new summons bearing a current address for defendant Brooks, as the Court and Marshal had exhausted possible efforts at service on Brooks with the information Andrews had previously provided.

[*Id.*] The order further warned that failure to timely respond could result in dismissal of the case without further notice. [*Id.*] The deadline has passed, and no new summons, or any other communication, has been received from Andrews. For Andrews' failure to comply with Judge Martin's order, and for lack of timely service of process on the sole remaining defendant, the case will be dismissed without prejudice.

ACCORDINGLY:

Plaintiff Leon E. Andrews, Jr.'s remaining claim against defendant Joshua Brooks is DISMISSED WITHOUT PREJUDICE pursuant to Fed.R.Civ.P. 4(m) and 41(b), and the case is THEREBY CLOSED.

SO ORDERED.

ENTERED: March 20, 2024.

/s/ Philip P. Simon  
PHILIP P. SIMON, JUDGE  
UNITED STATES DISTRICT COURT